

REMARKS

Summary of the Office Action

Claim 1 is considered in the Office action.

Claim 1 has been rejected under 35 U.S.C. § 103(a) as obvious over Smith U.S. Patent No. 6,441,920 ("Smith") in view of Tan et al. U.S. Patent No. 5,978,560 ("Tan US").

Summary of Recent Office Actions

On 18 June 2003 Office, the Examiner mailed a non-final Office action that rejected claim 1 under 35 U.S.C. § 103(a) as obvious over Smith in view of Tan et al. European Patent Application EP 0 917 044 A2 ("Tan EP"). Tan EP is the European counterpart of the U.S. patent application that issued as Tan US. Tan US contains identical disclosure to Tan EP.

On 18 September 2003, applicants replied to the 18 June 2003 Office action, arguing that neither Smith nor Tan EP, alone or combined, EP described or suggested the claimed invention. Further, applicants asserted that Smith is irrelevant to the claimed invention and that Tan EP expressly teaches away from the claimed invention. In particular, applicants asserted that unlike the claimed invention: (1) Smith does not describe or suggest a software application adapted to receive a print job, parse the print job into one or more print pieces, load balance the print pieces among a plurality of networked printers based on color use and print speed, or provide a list of the printers that received the print pieces; and (2) Tan EP does not describe or suggest a software application adapted to receive a print job, parse the print job into one or more print pieces, load balance the print pieces among a plurality of networked printers based on color use and print speed, and provide a list of the printers that received the print pieces.

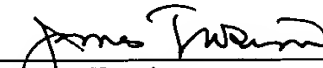
In addition, applicants asserted that neither Smith nor Tan EP include any suggestion to combine the two unrelated references, and that it is unclear how these two references could possibly be combined. Smith describes print systems in which entire print jobs are sent to only one output device, whereas Tan EP describes load balancing print jobs between output devices. Applicants asserted that the two references therefore appear to be mutually exclusive, and strongly militate against any possible combination.

On 4 December 2003, the Examiner mailed another non-final Office action that implicitly accepted applicants arguments regarding Smith and Tan EP. Indeed, the 4 December 2003 Office action rejected claim 1 under 35 U.S.C. § 103(a) as obvious over Smith in view of Lavery et al. U.S. Patent No. 6,559,966 ("Lavery"). The Examiner thus withdrew the rejection of claim 1 based on the combination of Smith and Tan EP. On 3 March 2004, applicants replied to the 4 December 2003 Office action, arguing that Smith and Lavery are both irrelevant to the claimed invention.

On 21 May 2004, the Examiner mailed the present non-final Office action that implicitly accepted applicants arguments regarding Smith and Lavery. However, the 21 May 2004 Office action now rejects claim 1 under 35 U.S.C. § 103(a) as obvious over Smith in view of Tan US. As previously mentioned, Tan US contains identical disclosure to Tan EP. Applicants respectfully submit that the rejection of claim 1 based on Smith and Tan US is inappropriate, particularly because the Examiner previously withdrew the rejection based on essentially the same combination of references. Because neither Smith nor Tan US, alone or combined, describe or suggest the claimed invention, applicant respectfully requests that the Examiner withdraw the § 103(a) rejection of claim 1.

Accordingly, applicants submit that this application, including amended claim 1, is allowable. Applicants therefore respectfully request that the Examiner allow this application.

Respectfully submitted,



James Trosino
Registration No. 39,862
Attorney for Applicants